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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,216	09/26/2003	Chao-Kang Li	08688.0330US01	2893
23552	7590	12/01/2005	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			AYRES, TIMOTHY MICHAEL	
			ART UNIT	PAPER NUMBER
			3637	
DATE MAILED: 12/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/672,216	Applicant(s) LI, CHAO-KANG	
	Examiner Timothy M. Ayres	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-17 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 7 and 18 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/31/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

This is a first office action on the merits of application SN 10/672,216.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

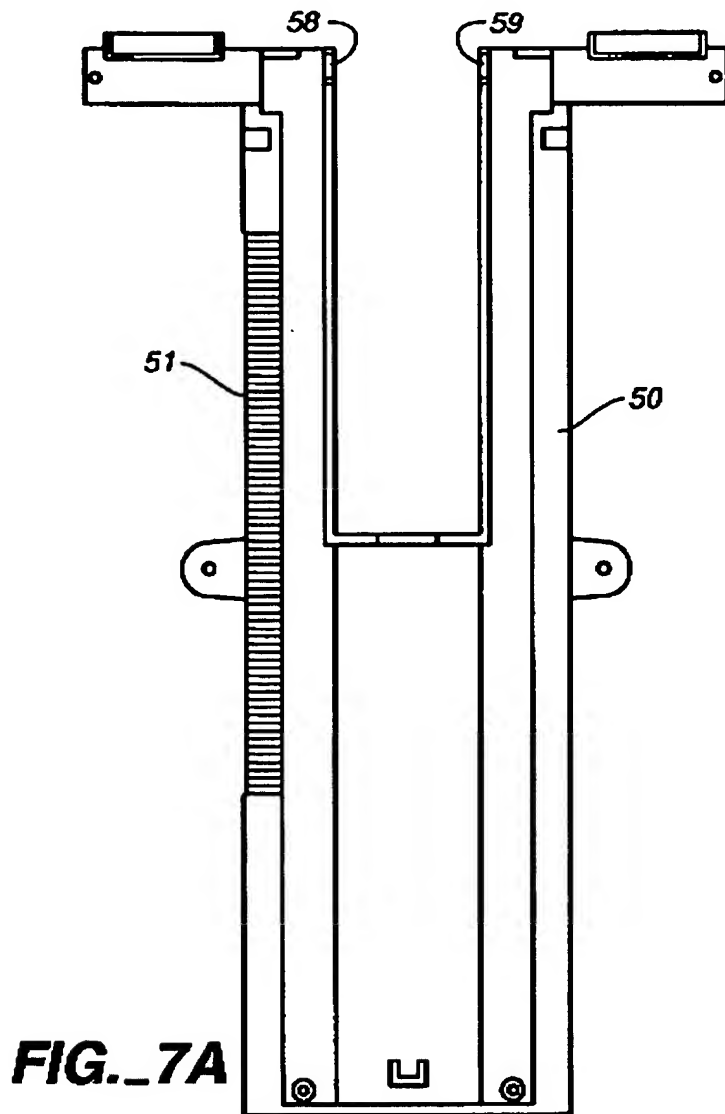
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

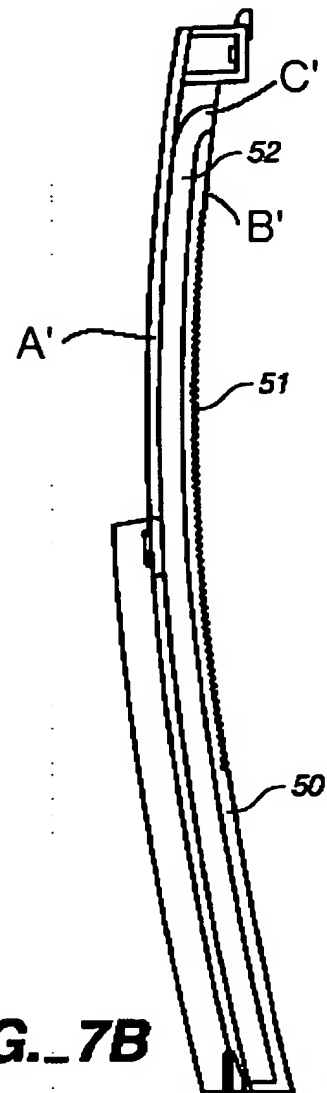
2. Claims 1, 10, 12, and 21 rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 6,132,019 to Kim et al. Kim '019 discloses a computer (100) with a housing (1) and a housing wall (2) that has a window for access to the inner space of the housing (1). A window panel (3) is movably mounted between an open and a closed position on a rail unit (50) that is adjacently below the housing wall (2). The rail unit (50) is made of a pair of rail units each with a guiding groove (52,53). A carriage assembly (5) is attached to the window panel (3) and has pairs of first (11,12) and second studs (14,13) on it. The first and second studs engage the guiding grooves, which is made of an inner rib (A') and an outer rib (B') that are parallel. An urging member (8) that is a spring arm is mounted on the carriage assembly (5) and abuts against a protrusion that projects transversely from the window panel (3). Each of the rail units has an inclined segment (C') that extends inclined from the top end face of the inner rib (A'). A second friction member (51) that is a rack is mounted on the rail unit (50) and a first friction

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member (7) that is a pinion is mounted to the carriage assembly (5) of the window panel (3). The pinion (7) is a rotatable damper that provides a friction force when rotated.

**FIG. 7A**

Kim '019 Figure 7A

**FIG. 7B**

Kim '019 Figure 7B

Claim Rejections - 35 USC § 103

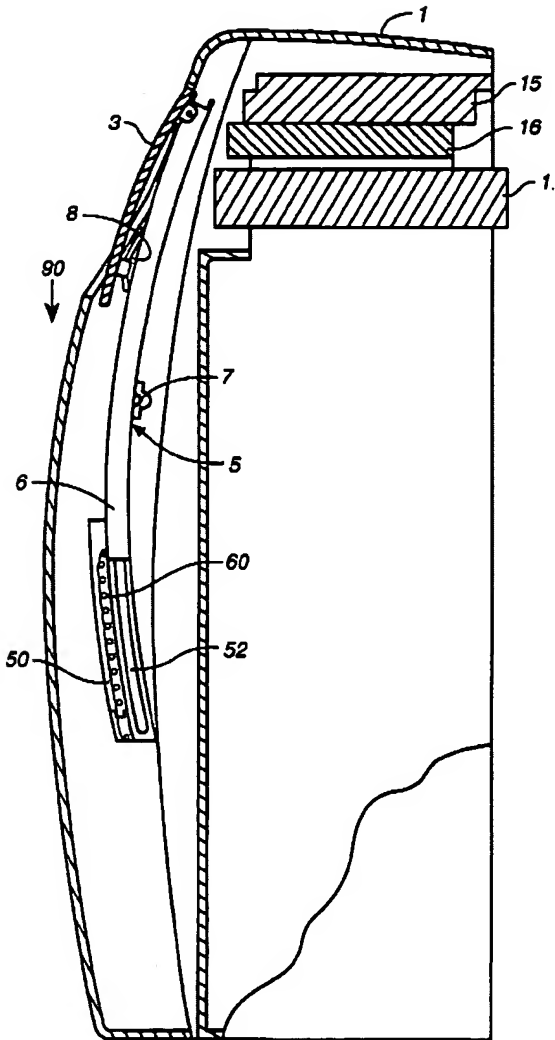
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

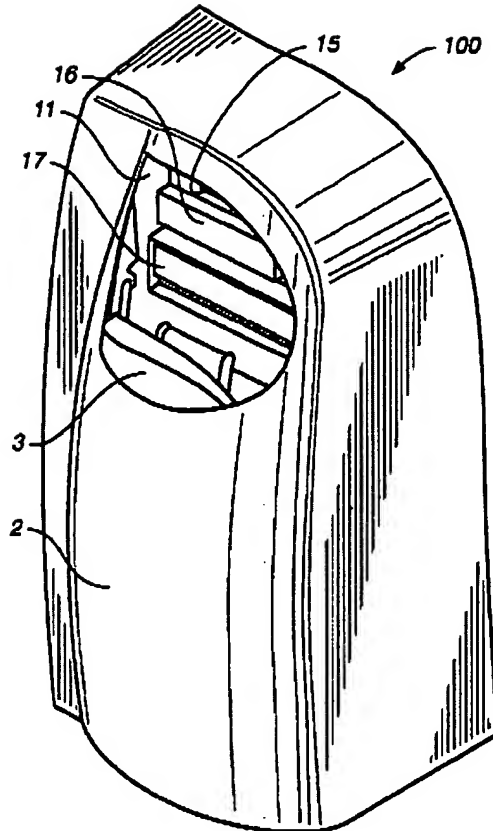
4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 2-6,8,9, 11,13-17,19, 20, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,132,019 to Kim et al. Kim '019 discloses every element as claimed and discussed above except the guiding groove disposed adjacent to the sides of the window and the pair of studs formed on the opposite sides of the window panel, a second guiding groove, a second inclined segment, and the rack being a pair of racks and on the sides of the window panel and pinions being mounted on the housing.



Kim '019 Figure 11



Kim '019 Figure 3

6. Regarding claims 2 and 13, it would have been obvious for a person of ordinary skill in the art to modify Kim '019 by having the studs extend from the window panel and the guiding grooves disposed adjacent to the window panel, since applicant has not disclosed that having the studs and grooves be at this specific location solves any stated problem or is for any particular purpose and it appears that the window panel

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would perform equally well with studs extending at from the carriage assembly that is mounted to the window panel and the grooves be below the window since it is functionally equivalent and works equally well.

7. Regarding claims 3, 5, 14, and 16, it would have been obvious for a person of ordinary skill in the art to modify Kim '019 by having second rails with ribs and second grooves to engage the second studs since applicant has not disclosed that having the second rail engaging the studs solves any stated problem or is for any particular purpose and it appears that the window panel would perform equally well with one rail engaging both studs since it is functionally equivalent and works equally well.

8. Regarding claims 9 and 20, it would have been obvious for a person of ordinary skill in the art to have a second inclined segment when a second rail unit was created so that the second studs would have an access opening to the second grooves. Note, it has been held that mere duplication of the essential working part of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

9. Regarding claims 11 and 22, it would have been obvious for a person of ordinary skill in the art to modify Kim '019 by having the pinions mounted to the housing and the rack mounted on the sides of the window panel, since applicant has not disclosed that having the rack and pinion at this specific location solves any stated problem or is for any particular purpose and it appears that the window panel would perform equally well with the rack on the housing and the pinion on the carriage assembly since it is functionally equivalent and works equally well. With regards to Kim '019 only disclosing a single rack and pinion instead of a pair, it has been held that mere duplication of the

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essential working part of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Allowable Subject Matter

10. Claims 7 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent 6,618,245 to Diaz discloses a computer case with a door assembly in the side panel. US Patent 5,169,218 to Chu discloses a computer with a window on the front wall and a sliding window panel. US Patent 5,924,780 to Ammon discloses a sliding door assembly for a computer housing that has a rack and pinion on it. US Patent 6,452,788 to Crowley discloses a computer with a window and a sliding window panel that slides with studs in a groove. US Patent 5,820,235 to Tsai discloses a computer with a window and window panel that slides with a rack and pinion assembly. US Patent 5,816,672 to LaPointe discloses a computer with a window and sliding window panel that has a groove with a inclined segment to move the window panel closer to the housing wall. US Patent Publication 2004/0008478 to Chen discloses a computer panel that has a transparent window panel on it.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TMA
11/18/05



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